

APPEAL, CLOSED

**U.S. District Court
Eastern District of Virginia - (Alexandria)
CIVIL DOCKET FOR CASE #: 1:08-cv-00459-JCC-TRJ**

Berry v. Gutierrez
Assigned to: District Judge James C. Cacheris
Referred to: Magistrate Judge Thomas Rawles Jones, Jr
Case in other court: 4th Circuit, 09-01084
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/09/2008
Date Terminated: 11/14/2008
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Renee R. Berry

represented by **Renee R. Berry**
2827 Otis Street, NE
Washington, DC 20018
202-441-8941
PRO SE

Defendant

Carlos M. Gutierrez
Secretary Department Of Commerce

represented by **Leslie Bonner McClendon**
United States Attorney's Office
2100 Jamieson Ave
Alexandria, VA 22314
(703)299-3700
Email: leslie.mccclendon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/09/2008	<u>1</u>	COMPLAINT against Carlos M. Gutierrez (Filing fee \$ 350 receipt number 100008534.), filed by Renee R. Berry. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Receipt)(nhall) (Entered: 05/12/2008)
05/14/2008	<u>2</u>	Summons Issued and given to pro se plaintiff for service by certified mail as to Carlos M. Gutierrez, U.S. Attorney and U.S. Attorney General. (nhall) (Entered: 05/14/2008)
05/21/2008	<u>3</u>	NOTICE of Appearance by Leslie Bonner McClendon on behalf of Carlos M. Gutierrez (McClendon, Leslie) (Entered: 05/21/2008)
05/21/2008	<u>4</u>	Certificate of Reporting Service by Carlos M. Gutierrez. Carlos M. Gutierrez served on 5/15/2008, answer due 7/14/2008. (nhall) (Entered: 05/23/2008)
06/03/2008	<u>5</u>	SUMMONS Returned Executed as to Carlos M. Gutierrez-served on 5/15/08. (Attachments: # <u>1</u> Envelope)(nhall) (Entered: 06/05/2008)

06/03/2008	<u>6</u>	SUMMONS Returned Executed as to Michael Mukasey-served on 5/19/08. (Attachments: # <u>1</u> Envelope)(nhall) (Entered: 06/05/2008)
06/03/2008	<u>7</u>	SUMMONS Returned Executed as to Chuck Rosenberg-served 05 5/16/08. (Attachments: # <u>1</u> Envelope)(nhall) (Entered: 06/05/2008)
07/14/2008	<u>8</u>	MOTION to Dismiss by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 07/14/2008)
07/14/2008	<u>9</u>	<i>Defendant's</i> Memorandum in Support re <u>8</u> MOTION to Dismiss <i>Defendant's</i> filed by Carlos M. Gutierrez. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(McClendon, Leslie) (Entered: 07/14/2008)
07/14/2008	<u>10</u>	Roseboro Notice as to Defendant's Motion to Dismiss by Carlos M. Gutierrez (McClendon, Leslie) (Entered: 07/14/2008)
07/24/2008	<u>11</u>	MOTION for Extension Of Time To File Brief by Renee R. Berry. (nhall) (Entered: 07/28/2008)
07/24/2008	<u>12</u>	MOTION For Court Appointed Counsel by Renee R. Berry. (nhall) (Entered: 07/28/2008)
08/05/2008	<u>13</u>	RESPONSE to Motion re <u>11</u> MOTION for Extension filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 08/05/2008)
08/05/2008	<u>14</u>	RESPONSE to Motion re <u>12</u> MOTION to Appoint Counsel filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 08/05/2008)
08/06/2008	<u>15</u>	ORDER granting <u>11</u> Motion for Extension of Time to File Brief and the brief is due September 2, 2008. (See Order For Details). Signed by District Judge James C. Cacheris on 8/6/08. (nhall) (Entered: 08/07/2008)
09/02/2008	<u>16</u>	RESPONSE In Opposition To Defendant's <u>8</u> MOTION to Dismiss filed by Renee R. Berry. (nhall) (Entered: 09/04/2008)
09/05/2008	<u>17</u>	Notice of Hearing Date <i>Amended</i> set for September 19, 2008 re <u>8</u> MOTION to Dismiss (McClendon, Leslie) (Entered: 09/05/2008)
09/08/2008	<u>18</u>	NOTICE by Carlos M. Gutierrez <i>of Related Case</i> (McClendon, Leslie) (Entered: 09/08/2008)
09/08/2008		Set Deadlines as to <u>8</u> MOTION to Dismiss. Motion Hearing set for 9/19/2008 at 10:00 AM before District Judge James C. Cacheris. (clar,) (Entered: 09/08/2008)
09/08/2008	<u>19</u>	REPLY to Response to Motion re <u>8</u> MOTION to Dismiss filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 09/08/2008)
09/12/2008	<u>20</u>	MOTION for an Extension of time to prepare for oral argument, and MOTION for Court Appointed Counsel by Renee R. Berry. (clar,) (Entered: 09/15/2008)
09/12/2008	<u>21</u>	NOTICE of Hearing on Motion <u>20</u> MOTION for an Extension of time to prepare for oral argument, MOTION for Court Appointed Counsel: Motion Hearing set for 9/19/2008 at 10:00 AM before District Judge James C.

		Cacheris. (clar,) (Entered: 09/15/2008)
09/17/2008	<u>22</u>	RESPONSE in Opposition re <u>20</u> MOTION for Extension MOTION to Appoint Counsel filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 09/17/2008)
09/17/2008		Reset Deadlines as to <u>20</u> MOTION for Extension MOTION to Appoint Counsel, <u>8</u> MOTION to Dismiss. Motion Hearing set for 9/19/2008 at 09:30 AM before District Judge James C. Cacheris. (clar,) (Entered: 09/17/2008)
09/18/2008	<u>24</u>	Supplemental Plaintiff's RESPONSE in Opposition to <u>8</u> MOTION to Dismiss filed by Renee R. Berry. (nhall) (Entered: 09/19/2008)
09/18/2008	<u>25</u>	Plaintiff's Response Opposing Defendant's <u>18</u> NOTICE Of Related Case filed by Renee R. Berry. (nhall) (Entered: 09/19/2008)
09/19/2008	<u>23</u>	Minute Entry for proceedings held before District Judge James C. Cacheris: Motion Hearing held on 9/19/2008 re <u>8</u> MOTION to Dismiss filed by Carlos M. Gutierrez & <u>20</u> MOTION for Extension and MOTION to Appoint Counsel filed by Renee R. Berry: Appearance of Pro Se Pltf and counsel for Deft. Motions argued and <u>8</u> Motion to Dismiss is TAKEN UNDER ADVISEMENT and <u>20</u> Motion for Extension of Time to Prepare for Oral Argument and Motion to Appoint Counsel are DENIED . • Order to follow. (Court Reporter R. Montgomery) (kbro) (Entered: 09/19/2008)
09/22/2008	<u>26</u>	MOTION to Strike by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 09/22/2008)
09/22/2008	<u>28</u>	MOTION for Leave to amend complaint, MOTION for Discovery by Renee R. Berry. (clar,) (Entered: 09/23/2008)
09/22/2008	<u>29</u>	NOTICE of Hearing on Motion <u>28</u> MOTION for Leave to amend complaint, and MOTION for Discovery : Motion Hearing set for 10/3/2008 at 10:00 AM before Magistrate Judge Thomas Rawles Jones Jr. (pltf to re-notice due to the EDVA Judges Conference) (clar,) (Entered: 09/23/2008)
09/23/2008		Notice of Correction re <u>26</u> MOTION to Strike. The filing user has been notified to file a Notice of Hearing Date or a Notice of Waiver of Oral Argument. (nhall) (Entered: 09/23/2008)
09/23/2008	<u>27</u>	Notice of Hearing Date re <u>26</u> MOTION to Strike (McClendon, Leslie) (Entered: 09/23/2008)
09/24/2008		Set Deadlines as to <u>26</u> MOTION to Strike. Motion Hearing set for 10/10/2008 at 10:00 AM before District Judge James C. Cacheris. (clar,) (Entered: 09/24/2008)
09/25/2008	<u>30</u>	NOTICE of Hearing on Motion <u>28</u> MOTION for Leave to amend complaint, to File MOTION for Discovery : Motion Hearing set for 10/10/2008 at 10:00 AM before Magistrate Judge Thomas Rawles Jones Jr. (clar,) (Entered: 09/26/2008)

09/25/2008	<u>31</u>	Supplemental Plaintiff's RESPONSE in Opposition to <u>8</u> MOTION to Dismiss filed by Renee R. Berry. (nhall) (Entered: 09/26/2008)
09/29/2008	<u>32</u>	RESPONSE in Opposition re <u>28</u> MOTION for Leave to File MOTION for Discovery filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 09/29/2008)
09/29/2008	<u>33</u>	RESPONSE in Opposition re <u>28</u> MOTION for Leave to File MOTION for Discovery filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 09/29/2008)
09/29/2008	<u>34</u>	NOTICE by Carlos M. Gutierrez to <i>Plaintiff</i> (McClendon, Leslie) (Entered: 09/29/2008)
10/08/2008	<u>35</u>	RESPONSE opposing defendant's <u>26</u> MOTION to Strike, deny plaintiff to amend complaint and discovery filed by Renee R. Berry. (clar,) (Entered: 10/09/2008)
10/08/2008	<u>36</u>	MEMORANDUM OPINION re <u>26</u> Motion to Strike. Signed by District Judge James C. Cacheris on 10/8/08. (rban,) (Entered: 10/09/2008)
10/08/2008	<u>37</u>	ORDER denying <u>26</u> Motion to Strike. ORDERED that Deft Gutierrez's Motion to Strike is DENIED; that Deft Gutierrez's alternative request to file a second rebuttal brief is GRANTED; Deft Gutierrez shall have 10 days from the date of entry of this Order to file a second rebuttal brief; Pltf Berry is instructed to seek leave of the Court before filing additional pleadings, pursuant to Local Rule 7. Signed by District Judge James C. Cacheris on 10/8/2008. (rban,) (Entered: 10/09/2008)
10/09/2008		Per JCC chambers motions set for 10/10/08 on papers (clar,) (Entered: 10/09/2008)
10/10/2008	<u>38</u>	ORDERED that Defendant's motion for leave to amend complaint and discovery <u>28</u> is MOOT. Signed by Magistrate Judge Thomas Rawles Jones, Jr on 10/10/2008. (rban,) (Entered: 10/15/2008)
10/10/2008	<u>42</u>	Minute Entry for proceedings held before Magistrate Judge Thomas Rawles Jones, Jr: Motion Hearing held on 10/10/2008 re <u>28</u> MOTION for Leave to File MOTION for Discovery filed by Renee R. Berry. Appearance of counsel for deft and pltf pro se. Pltf's motion is MOOT. Order to follow. (Tape #FTR.) (cmar,) (Entered: 10/29/2008)
10/20/2008	<u>39</u>	REPLY to Response to Motion re <u>8</u> MOTION to Dismiss <i>Supplemental</i> filed by Carlos M. Gutierrez. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(McClendon, Leslie) (Entered: 10/20/2008)
10/24/2008	<u>40</u>	MOTION for mediation and to rebut defendant's brief by Renee R. Berry. (clar,) (Entered: 10/24/2008)
10/24/2008	<u>41</u>	NOTICE of Hearing on Motion <u>40</u> MOTION for mediation and to rebut defendant's brief: Motion Hearing set for 10/31/2008 at 10:00 AM before District Judge James C. Cacheris. (clar,) (Entered: 10/24/2008)
10/28/2008		Reset Deadlines as to <u>40</u> MOTION for mediation and to rebut defendant's brief.

		Motion Hearing set for 10/31/2008 at 10:00 AM before Magistrate Judge Thomas Rawles Jones Jr. (clar,) (Entered: 10/28/2008)
10/28/2008		MOTIONS REFERRED to Magistrate Judge: Jones. <u>40</u> MOTION for mediation and to rebut defendant's brief (clar,) (Entered: 10/28/2008)
10/29/2008	<u>43</u>	RESPONSE in Opposition re <u>40</u> MOTION for mediation and to rebut defendant's brief <i>Response to Motion for Mediation</i> filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 10/29/2008)
10/29/2008	<u>44</u>	RESPONSE in Opposition re <u>40</u> MOTION for mediation and to rebut defendant's brief <i>Response to Motion for leave to file supplemental response</i> filed by Carlos M. Gutierrez. (McClendon, Leslie) (Entered: 10/29/2008)
10/30/2008	<u>45</u>	ORDER denying <u>40</u> Motion for Mediation and to Rebut Deft's brief. Signed by Magistrate Judge Thomas Rawles Jones, Jr on 10/30/08. (nmck,) (Entered: 10/30/2008)
11/14/2008	<u>46</u>	MEMORANDUM AND OPINION re: <u>8</u> MOTION to Dismiss, <u>12</u> MOTION For Court Appointed Counsel, <u>20</u> MOTION for an Extension of time to prepare for oral argument, and MOTION for Court Appointed Counsel. (See Memorandum Opinion For Details). Signed by District Judge James C. Cacheris on 11/14/08. (nhall) (Entered: 11/20/2008)
11/14/2008	<u>47</u>	ORDER for the reasons stated in the accompanying Memorandum Opinion, granting <u>8</u> Motion to Dismiss; denying <u>12</u> Motion to Appoint Counsel ; denying <u>20</u> Motion for Extension of Time to prepare for oral argument; denying <u>20</u> Motion to Appoint Counsel. (See Order For Details). Signed by District Judge James C. Cacheris on 11/14/08. (nhall) (Entered: 11/20/2008)
01/12/2009	<u>48</u>	NOTICE OF APPEAL as to <u>47</u> Order on Motion to Dismiss, dated 11/14/08 by Renee R. Berry. Copy mailed to pltf. (nmck,) (Entered: 01/12/2009)
01/12/2009	<u>49</u>	MOTION and affidavit for permission to Appeal in forma pauperis by Renee R. Berry. (nmck,) (Entered: 01/12/2009)
01/12/2009	<u>50</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>48</u> Notice of Appeal (nmck,) (Entered: 01/12/2009)
01/20/2009		USCA Case Number 09-1084 4th Circuit, case manager RJ Warren for <u>48</u> Notice of Appeal filed by Renee R. Berry. (nmck,) (Entered: 01/22/2009)
01/26/2009	<u>51</u>	ORDER granting <u>49</u> Motion for permission to Appeal in forma pauperis. Signed by District Judge James C. Cacheris on 1/26/09. Copy mailed to pltf. (nmck,) (Entered: 01/26/2009)
03/11/2009	<u>52</u>	Letter to court from USCA, please transmit the record to this office. (nmck,) (Entered: 03/12/2009)
03/12/2009		Assembled INITIAL Electronic Record Transmitted to 4CCA re <u>48</u> Notice of Appeal (nmck,) (Entered: 03/12/2009)

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